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ABSTRACT

Preservice teachers' knowledge of the law as it affects students was investigated. Forty-seven preservice teachers, most of whom were undergraduates affiliated with a college of physical education, completed a survey addressing: (1) child abuse; (2) freedom of speech and press; (3) suspension and expulsion from school; (4) corporal punishment; (5) juvenile court hearings; (6) special education decisions; (7) freedom of religion; (8) search and seizure; (9) divorce and child custody; (10) school vandalism; and (11) school attendance. Respondents were asked to estimate the legal correctness of statements based on short scenarios on each legal theme. Findings indicated that the preservice teachers needed increased understanding and knowledge of basic laws affecting students, particularly in the areas of special education and corporal punishment. They had more knowledge of technical juvenile court procedures and suspension and expulsion hearings than of their professional role in dealing with child abuse. They had a marked uncertainty about issues concerning children's freedom of speech, press, and religion, as well as the proper requirements for searches and seizure within the school. The survey, with legally correct responses and relevant legal references is provided. (Authors/JD)

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Preservice Teachers' Responses to the "Survey of Children's Legal Rights": Preliminary Analyses

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Abstract

Preservice teachers' knowledge of the law as it affects children was investigated using a specially designed instrument: Survey of Children's Legal Rights, to ascertain the extent to which their curriculum exposure had prepared them to deal with our increasingly litigious educational society. This study had a dual purpose: to determine the utility of the instrument, and to consider the specific legal knowledge of a group of preservice teachers. Forty-seven intending teachers at a midwestern state university completed the survey. The survey addresses in 39 items, 11 legal themes: child abuse, freedom of speech and press, suspension and expulsion from school, corporal punishment, juvenile court hearings, special education decisions, freedom of religion, search and seizure in school, divorce and child custody, school vandalism, and school attendance. The questions were derived primarily from Supreme Court decisions, as well as related public statutes and congressional acts. For each of the 11 legal themes, short scenarios were followed by up to six statements. Respondents were asked to rate their estimate of the legal correctness of each statement on a five-point continuum from "definitely true" to "definitely false." The preservice teachers' responses to this survey leads to several conclusions: They have a less-than-perfect knowledge of basic laws affecting children; they have a particularly limited knowledge of special education and corporal punishment procedures; surprisingly, they have more knowledge of technical juvenile court procedures, and suspension and expulsion hearings, than of their professional role in dealing with child abuse; they have

marked uncertainty about issues of children's feeedom of speech, press, and religion as well as the proper requirements for searches and seizure within school. This 15-minute survey was well received and generated an enthusiastic response from the intending teachers. The Survey of Children's Legal Rights might legitimately be used as a pre- and post-instruction evaluation device, and as a focus for classroom discussion of laws affecting children. The survey, in its entirety, with legally correct responses and relevant legal references is provided.

What do preservice teachers know of the law as it affects children? The intent of this study is to begin to answer this question. Universities, public schools and education generally, operate within a society that is heavily shaped by legal decisions. In the early part of this century schools of pedagogy could be fairly autonomous; the law rarely affected their curriculums or their students. Today, the situation is quite different. Courts often decide educational policy matters, curriculum issues, and teachers' and students' rights. To be effective educators, future teachers need to be knowledgeable about the law as it affects children.

Recently, a few educators have urged colleges of education to prepare intending teachers to cope with the vast amount and complexity of legal issues that surround the teaching profession (Henson, 1979; Sametz, in press; Strickland, Phillips & Phillips, 1976). Hazard, Freeman, Eisdorfer & Tractenberg (1977) suggest that the teachers' awareness of the law is important to both their role and their relationship to pupils and parents. Fischer, Schimmel and Kelly state that "educators ignore the law at their own peril" (1981, p. ix), while McDaniel (1979) asserts that teachers can no longer afford to be ignorant of the law.

Teacher certification programs rarely, if ever, require preservice teachers to demonstrate their knowledge of the law (Woellner, 1981). However, some individuals in colleges of education appear increasingly alert to the role that litigation plays in shaping educational practice. Thus, they may be preparing students to recognize that since ignorance of the law can be no excuse, then all educators have an obligation to become acquainted with those legal decisions that affect children. Of all legal decisions rendered in the United States, Supreme Court holdings are preeminent and thus apply to <u>all</u> teachers irrespective of their place and position of employment. Accordingly, it appears valuable to investigate the degree of some preservice teachers' knowledge of Supreme Court decisions which affect children.

Not all laws affecting children are the result of Supreme Court decisions. Lower courts, congressional acts, and public statutes additionally provide both guidance and parameters for teaching practice. Therefore, preservice educators also need to be aware of how these supplementary laws buttress holdings of the Supreme Court. Thus, in our study we sought to examine preservice educators' knowledge of children's legal rights as defined by selected Supreme Court decisions, related public statutes and congressional acts. The study was not wholly intended to determine the level to which certain preservice teachers had been prepared to deal with legal issues, but additionally to evaluate the efficacy of an instrument designed specifically to act as a "Survey of Children's Legal Rights."

Methodology

Instrumentation

A review of the literature revealed no custom designed survey, test, or questionnaire format intended to evaluate the degree of preservice educators' knowledge of legal issues affecting children. Surveys have been developed to assess teachers' knowledge of laws surrounding the educators' role and child abuse (Riggs & Evans, 1978). The format for this child abuse assessment device was deemed inappropriate for this study, as it simply forced students to select as either true or false, given statements related to child abuse. It was decided to use a likert scale in the "Survey of Children's Legal Rights" for it can afford students a combination of multiple choice opportunities, true/false determination, and the chance to signify their degree of confidence in their own answer. The response selections on the five-point likert scale selected for the survey included: "definitely true"; "probably true"; "unsure"; "probably false"; "definitely false" for each of 39 statements. From two to six statements accompanied one paragraph of scenario description, relating to each of 11 legal themes. The themes represented by each of the 11 topics focused upon children's rights with respect to: (1) Abuse; (2) Freedom of speech and press; (3) Suspension and expulsion from school; (4) Corporal punishment; (5) Juvenile court hearings; (6) Special education decisions; (7) Freedom of religion; (8) Search and seizure within school; (9) Divorce and child custody; (10) School vandalism; and (11) School attendance.

Supreme Court Related Decisions

Questions numbered 2 and 7 are First Amendment issues. The First Amendment states:

> *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

The child's right to freedom of speech and to assemble peaceably was affirmed in Tinker v. Des Moines Independent School District (393 U.S. 503 (1969)). However, this freedom was limited in that it applied only as long as student behavior did not "materially disrupt classwork," which is comparable to the limitation upon adults' similar freedoms. Broadly construed from Tinker are children's rights to a free press.

Wisconsin v. Yoder (406 U.S. 205 (1972)) addressed freedom of religion. The Supreme Court held that in matters so important as religion, the parents have the right to decide their child's religion, at least until the child reaches the age of maturity. West Virginia State Board

of Education v. Barnette (319 U.S. 624 (1943)) held that it is a violation of children's First Amendment rights to require them to salute the flag.

Question number 3 is a Fourteenth Amendment issue. Section one of the Fourteenth Amendment states in part:

> *No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

In Goss v. Lopez (419 U.S. 565 (1975)) the Supreme Court held that when students are faced with suspension or expulsion they have rights to a limited amount of due process protections. Students have the right to know why they are being considered for suspension, and the right to tell their side of the story. Since suspension hearings are usually informal, the Supreme Court did not require that the child be afforded the right to legal counsel. Some school systems may however elect to provide a greater amount of due process protections.

Question number 11 also deals with Fourteenth Amendment rights. Meyer v. Nebraska (262 U.S. 390 (1923)) and Pierce v. Society of Sisters (268 U.S. 510 (1925)) are thus relevant to this question. Meyer held that it is the parents' duty to provide an education for their child. Pierce allowed parents the opportunity to arrange for the education of their children outside of the public school setting. Overall, compulsory school attendance laws in each state require children to attend school.

Question number 4 is an Eighth and Fourteenth Amendment issue. The Eighth Amendment states:

> *Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

In Ingraham v. Wright (430 U.S. 651 (1977)) the Supreme Court was asked to decide if a student facing corporal punishment had protections under the Eighth and Fourteenth Amendments. The Eighth Amendment was deemed to be inapplicable; for regularly accepted means of maintaining school discipline do not constitute cruel and unusual punishment. A minimum amount of due process is required, however, and these requirements are usually established by the school system. Thus, teachers do have legal rights to paddle students, as long as paddling is an accepted disciplinary procedure conducted in a reasonable manner. Students do not have the legal right to protest disciplinary action.

Question number 5 deals with Fifth, Sixth, and Fourteenth Amendment issues. The Fifth Amendment states in part:

> *No person shall be . . . compelled in any criminal case to be a witness against himself . . .*

The Sixth Amendment states:

> *In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence* (sic).

In the adjudicatory, or fact-finding, stage of the juvenile court hearings, the child has a right to counsel (In re Gault, 387 U.S. 1 (1967)). Additionally, Gault held that the child and the child's parents have the right to be informed of the specific charges. The child's right to remain silent and to have the opposing witnesses cross examined was also affirmed in Gault. In re Winship (397 U.S. 358 (1970)) held that due process requires that the state must prove beyond a reasonable doubt that the child committed the alleged act. The decisions in Gault and Winship were limited only to those situations where the child is facing a loss of liberty, although at the present time these rights have been broadly interpreted. It was separately determined by the Supreme Court that minors do not have the constitutional right to a jury trial in a juvenile court hearing (McKeiver v. Pennsylvania, 403 U.S. 508 (1971)).

Additional Legal Issues Relating to Children's Rights

The remaining questions numbered 1, 6, 8, 9, and 10 deal with child abuse, special education, search and seizure, parents' divorce, and school vandalism, respectively.

Teachers are required by law in almost all states to report children suspected of being abused (Mnookin, 1978). If teachers report their suspicions in good faith but prove to be mistaken, they cannot be held liable for damages. If a child abuse case goes to trial, it is possible that a teacher may be subpoenaed to testify. Courts are very hesitant to remove even abused children from their home.

Public Law 94-142 (The Education of All Handicapped Children Act, 1975) requires that prior to evaluation for placement in a special education setting, the child's parents must receive written notice of the

referral, and consent to the evaluation process. Upon completion of the evaluation, the parents must grant permission for the placement of their child in a special education setting. School administrators must make the child's file available to the parents within a reasonable period, which may be up to 45 days after the initial request by the parents.

The popularly named "Buckley Amendment" (Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, 1974) enables parents to review their child's school file, and enables persons of 18 years and over to review their own school records.

The question of the applicability of the Fourth Amendment, which deals with search and seizure, to children's property in school is unresolved. However, it is generally accepted that since school administrators act in the place of parents (in loco parentis), and are vested with the powers of discipline and restraint, they may not only have the right but the duty to inspect a student's locker or consent to a police search (Davis, 1981). These rights are not automatically granted to teachers. Given the proper circumstances, students may not refuse to open their lockers.

During divorce proceedings, the child may have an attorney present to advocate for their interests. Most states have held that minors of varying levels of maturity have the right to express a preference for living with either parent (Mnookin, 1978).

Very few juvenile courts have a minimum age of jurisdiction (Fox, 1981; Mnookin, 1978; Sametz, 1982). Therefore, a young child may be prosecuted in juvenile court, and the child's parents could be successfully sued and forced to pay for damages in a civil court action.

Procedures

The "Survey of Children's Legal Rights" was administered to 47 preservice teachers at a midwestern state university. On the average, it took each student 15 minutes to complete the survey. No special preparatory instruction to prepare the students for the content of this survey had taken place.

Sample

Of the 47 students in the sample, 37 were affiliated with the College of Physical Education, Recreation, and Dance; eight were students of the College of Education; and one student from each of the Fine and Professional Arts and Graduate Colleges participated. All were intending teacher educators. Fifteen of the students were of junior standing; 30 were seniors; one was a graduate; and one was of unconfirmed standing. The students' ages were as follows: four were aged 20 years; 11 were 21 years;

15 were 22 years; and 17 were 23 years of age or older. Of the sample 20 were male, and 27 were female.

Analysis

For the frequency and percentages of student responses to each of the 39 items, and the legally correct answer, the reader is referred to the "Survey of Children's Legal Rights" (see Appendix).

To aid in the interpretation of students' responses to each question, the discrepancy between the mean response and the legally correct answer was computed (Table 1). For each item "definitely true" was assigned a value of 1.0; "probably true," a value of 2.0; "unsure," a value of 3.0; "probably false," a value of 4.0; and "definitely false," a value of 5.0. Thus, a discrepancy of zero would mean that all respondents correctly answered the question; a discrepancy of 1.0 would mean that the average of student responses was one decision-unit discrepant from the legally correct answer, and so on. This procedure allows interpretation of the relative "correctness" of student responses regardless of the implied directionality forced by the multiple choice format.

Results

Child Abuse

Most preservice teachers know that they must report suspected cases of child abuse. However, most are uncertain whether they may be successfully sued for reporting. They are also unsure about whether they may be called to testify at a trial and under what circumstances a child may be removed from the home.

Freedom of Speech

Most preservice teachers generally believe that students have freedom of speech and press, as long as this does not disrupt the operation of the school, and in this regard they are correct. Nevertheless, they are clearly less certain about the specifics of these rights, as indicated by their responses on questions relating differential treatment of freedom of speech and freedom of press. Specifically, they are unsure about the degree to which school administrators may censure student activities.

Suspension and Expulsion

The great majority of preservice teachers recognize correctly the procedures that must be followed prior to a student's suspension or expulsion. However, almost all incorrectly assume that the student has a right to have a lawyer present during the suspension process and possibly that the suspension "hearing" is a formal process.

Table 1

Discrepancy Between the Legally Correct Answer

and the Mean Student Response[1]

Quest. No.	Item No.		Quest. No.	Item No.	
I	1	.574	VI	1	.638
	2	1.894		2	2.511
	3	1.489		3	1.255
	4	1.000		4	1.809
				5	3.149
II	1	.894			
	2	1.638	VII	1	2.553
	3	1.511		2	1.468
	4	.979		3	.723
III	1	.271	VIII	1	1.574
	2	.106		2	.851
	3	.106		3	1.660
	4	2.681			
			IX	1	1.660
IV	1	1.830		2	1.060
	2	2.426			
	3	1.085			
			X	1	.702
				2	.936
V	1	.319			
	2	.106			
	3	.511	XI	1	.128
	4	1.000		2	.319
	5	.702		3	1.532
	6	2.404			

[1]A discrepancy of zero would mean that all respondents correctly answered the question; a discrepancy of 1.0 would mean that the average of student responses was one decision-unit discrepant from the legally correct answer, and so on.

Corporal Punishment

On the whole, preservice teachers do not know the law relating to the administration of corporal punishment. However, they do tend to think that prior to administering paddling, the matter should be discussed with the school principal. Approximately half of those surveyed correctly identified that teachers have a legal right to paddle students (given proper procedures). Almost all are unaware of students' rights to protest a paddling.

Juvenile Court Hearings

To rank order preservice teachers' knowledge of the juvenile court process, their responses were most often correct concerning the juvenile's rights to notice, followed by right to an attorney, the child's right to remain silent, and that the state must prove beyond a reasonable doubt that the juvenile committed the crime alleged. However, they are uncertain whether or not the opposing witnesses may be cross examined, and are almost totally incorrect in assuming that the child has a constitutional right to a jury trial.

Special Education Decisions

Excepting for the knowledge that parents should receive written notice prior to their child's evaluation for special education services, preservice teachers are overwhelmingly uncertain or simply incorrect in their knowledge of: parental permission timelines and procedures, and students' and parents' rights to review school files.

Freedom of Religion

Most preservice teachers incorrectly believe that children may choose their own religion. They are uncertain whether or not parents may determine the child's religion. On the other hand, most are correct in recognizing that children are not required to salute the flag.

Search and Seizure

Preservice teachers correctly suspect that administrators should be involved in locker searches. They do not know whether teachers may search a locker or whether students may refuse to have their locker searched.

Divorce and Child Custody

Preservice teachers are uncertain whether or not children may have an attorney represent their interests, and whether a child has the right to state a preference for living with one parent or the other, during divorce proceedings.

School Vandalism

Preservice teachers have a fairly correct legal sense that even a young child may be prosecuted for vandalism, and that the child's parents may be monetarily liable for damages incurred.

School Attendance

Preservice teachers correctly recognize that children are required to attend school, and that the child's parents are responsible for this. However, preservice teachers do not readily recognize that an approved home education will satisfy the requirements for school attendance.

Pooled Responses

As previously described, 47 preservice teachers answered 39 questions focused on 11 legal themes, creating an item pool of 1833 responses. Since only one response for each of the 39 questions was legally correct, then the proportion of total responses which were legally correct may be calculated. Of the 1833 responses, 659 (35.96%) were legally correct. Individual items received a range of 0 to 43 correct responses, indicating that from 0% to 91% of respondents correctly identified the legally correct answers (mean = 16.90, standard deviation = 4.11).

The options available to respondents ranged from "definitely true" through "definitely false" along a five-point continuum. Only a response of "definitely true" or "definitely false" was, in each case, legally correct; however, an indication of tentative certainty was offered by those respondents electing to check either the "probably true" or "probably false" boxes. By pooling the legally correct responses with those approximating the correct answer ("probably . . ."), a measure of both accurate and uncertain legal knowledge may be calculated. Approximately two in three responses (67.32%) were located at either the legally correct or adjacent position.

Discussion

Preservice teachers seem to have a less-than-perfect knowledge of the law as it affects children. The results of the "Survey of Children's Legal Rights" showed some interesting findings. It would seem reasonable to expect that preservice educators would be particularly knowledgeable about school attendance laws, special education procedures, corporal punishment and child abuse--those areas of the law that could affect the teacher on a daily basis. On the other hand, it might be assumed that preservice teachers would have relatively less knowledge about juvenile court procedures; the First Amendment issues of freedom of speech, religion, and press; search and seizure; the child's rights in divorce proceedings; and liability to be prosecuted for school vandalism--areas that the educator

would contact less often.

The results of the survey contradict these expectations. Surprisingly, the question which posed the most problems addressed the preservice teachers' knowledge of special education procedures (P.L. 94-142). The majority of preservice teachers realize that parents must receive written notice of their child's referral, but beyond that, they do not know clearly what P.L. 94-142 mandates.

Preservice teachers also do not realize that the Supreme Court has stated that assuming proper procedures are followed, teachers may use corporal punishment as a form of discipline; and that the student has few if any rights in this situation. The failure to respond legally correctly on this item might be attributed to their university's policy. Student teachers are prohibited from using corporal punishment.

Similarly, preservice teachers are uncertain about their role and responsibility if they detect or suspect an instance of child abuse. Most agree that the teacher is required by law to report the actual or suspected case; but after reporting, those surveyed did not know what they should do or what might happen. As child abuse is an important social issue and the teacher is in a key position to identify abused children, preservice educators need this information.

Predictably, most preservice teachers know that children must attend school. However, the definition of what constitutes a "school" appears to be unclear. Is an "approved home" a school? Most responded negatively while many case holdings have upheld the notion of home-schooling.

Perhaps surprisingly, preservice teachers seem quite knowledgeable about juvenile court procedures. With the exception of the child's right to a jury trial, the responses were largely legally correct. The confusion about jury trial might be explained by the fact that the juvenile waiver process has allowed minors to be tried by jury in criminal court, but such waiver is very rare.

The First Amendment issues of freedom of speech, press, and religion addressed in the survey created some difficulty. While most surveyed seemed clear that students do have the right to freedom of speech and press, and in particular the right not to be forced to salute the flag, the degree of "freedom" and the administration's ability to place restrictions upon these freedoms is less clear. Additionally, preservice teachers are unaware that the Supreme Court has placed limitations on the child's First Amendment rights, especially freedom of religion.

The questions of school suspension, and search and seizure raise additional questions which pose some potential professional difficulties. Generally, students are correct in their understanding of the suspension

process; however, they award children more rights than the Supreme Court has provided: the right to an attorney. Preservice teachers' lack of knowledge of search and seizure procedures could be problematic, for if they follow cheir own concensus, they may potentially find themselves in court for engaging in improper procedures.

Those surveyed also have limited knowledge of the child's rights in a divorce proceeding. Furthermore, although they tend to believe that very young children may be prosecuted in juvenile court and parents might have to pay the monetary damages, they are for the most part uncertain.

Overall, it would seem that preservice educators need a more complete understanding of the law as it relates to children and their own professional responsibilities. This is particularly true in the areas of special education, and child abuse. Failure by the teacher to act in these instances could provoke legal action. This is not the case regarding corporal punishment: failure to paddle would rarely have a rebuttal, although teachers should know the law. It seems that preservice educators need a clearer understanding of the First Amendment and its implications for students, teachers, and administrators. Again, this knowledge might reduce potential legal action.

Universities, and in particular Colleges of Education, have a clear responsibility to adequately prepare preservice teachers to be responsible professional educators in an increasingly litigious society. Thus, the results of this survey tentatively suggest, from an empirical perspective, that Colleges of Education may need to adapt their curriculum to more fully address legal issues as they affect children. As is evident from the data, students vary in their legal-educational knowledge. Didactic teaching of the 11 issues and their professional implications is recommended as one means of communicating this information to preservice teachers. The "Survey of Children's Legal Rights" might legitimately be implemented as a pre- and post-instruction evaluation device. However, users are cautioned that the law is subject to change, and that while the interpretations contained herein are legally correct, they are necessarily simplistic. In all circumstances, when any teacher becomes directly involved in a legal issue, that person is strongly advised to seek the advice of an attorney competent in children's law.

SURVEY OF CHILDREN'S LEGAL RIGHTS

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by

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Here are eleven situations involving children's legal rights. Following each situation are several statements. As an educator please decide how "true" or "false" each of these statements seems to you. Please consider each question carefully and make your own judgment. You have five choices for each statement: "Definitely True"; "Probably True"; "Unsure"; "Probably False"; and "Definitely False." Blacken the one box which most closely corresponds with your judgment. Please complete the information below. All survey forms are clearly anonymous; please do not add your name or other identifying characteristics.

CIRCLE AS APPROPRIATE

Class: Freshman - Sophomore - Junior - Senior - Graduate

Sex: Male - Female

College: EDUC - A & S - Bus. Adm. - F&PA - Nursing - PERD - Graduate

Age: 18 - 19 - 20 - 21 - 22 - older than 22

Mrs. Thompson is a third grade teacher. John has recently transferred to her class. After a few weeks at school Mrs. Thompson noticed that John often came to school with what seemed like bruises. Furthermore, he gets to school early and stays late, playing by himself in the playground. Mrs. Thompson begins to worry that John is being abused.

	Definitely True	Probably True	Unsure	Probably False	Definitely False	
1. N=47 m=1.574 sd=.878 As a teacher Mrs. Thompson is required by law to report children suspected of being abused to the police or to child welfare.	■	[ ]	[ ]	[ ]	[ ]	
	27	17	0	2	1	
	57.4	36.2	0	4.3	2.1	%
2. N=47 m=3.106 sd=1.005 If Mrs. Thompson reports that she believes John is being abused and this proves to be a mistake, Mrs. Thompson may have to pay money damages to John's parents in a law suit.	[ ]	[ ]	[ ]	[ ]	■	
	1	14	15	13	4	
	2.1	29.8	31.9	27.7	8.5	%
3. N=47 m=3.511 sd=1.177 If John is being abused, the court will automatically remove John from his home.	[ ]	[ ]	[ ]	[ ]	■	
	2	11	4	21	9	
	4.3	23.4	8.5	44.7	19.1	%
4. N=47 m=2.000 sd=.860 If Mrs. Thompson reports John's abuse and his case goes to a court trial, Mrs. Thompson will probably have to testify on the witness stand.	■	[ ]	[ ]	[ ]	[ ]	
	13	25	5	4	0	
	27.3	53.2	10.6	8.5	0	%

See generally Sanford J. Fox, Cases and Materials on Modern Juvenile Justice, St. Paul, Minn.: West Publishing (1981); and Robert M. Mnookin, Child, Family and State: Problems and Materials on Children and the Law, Boston: Little Brown (1978).

II.

Fred and Alice are juniors in high school. They are upset about the possible closing of the athletic center due to budget cuts. They decide that the only way to save the athletic center is to publicize the issue. They plan to run a one-page advertisement in the student newspaper and have a rally after school hours. Their hope is to show that the students support the athletic center. The school administrators would like to prohibit Fred's and Alice's plans but are uncertain about the legal issues involved.

	Definitely True	Probably True	Unsure	Probably False	Definitely False	
1. N=47 m=4.106 sd=.866 Since students do not have freedom of speech, the administrators may prohibit the advertisement and rally.	[ ]	[ ]	[ ]	[ ]	■	
	0	3	6	21	17	
	0	6.4	12.8	44.7	36.2	%
2. N=47 m=3.362 sd=1.150 One administrator reasons that they cannot prevent the rally, but they may prohibit the newspaper advertisement.	[ ]	[ ]	[ ]	[ ]	■	
	0	17	4	18	8	
	0	36.2	8.5	38.3	17.0	%
3. N=47 m=3.489 sd=1.019 Another administrator states that they cannot stop students from writing in their paper, but they can prevent the rally regardless of whether or not it is held after school.	[ ]	[ ]	[ ]	[ ]	■	
	1	9	9	22	6	
	2.1	19.1	19.1	46.8	12.8	%
4. N=47 m=1.979 sd=.821 A third administrator states that they can limit the advertisement or rally only if either would cause a serious disruption in the operation of the school.	■	[ ]	[ ]	[ ]	[ ]	
	12	28	3	4	0	
	25.5	59.6	6.4	8.5	0	%

See generally Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969); and Robert M. Mnookin, Child, Family and State: Problems and Materials on Children and the Law, Boston: Little Brown (1978).

George received a message asking him to come to the vice-principal's office. It has been rumored that the vice-principal would like to suspend George for two weeks. George can't think of what he did that might cause him to be suspended although he reasons it could be for fighting. He enters the office, and the vice-principal tells him to leave school, and not to return for two weeks; he has been suspended.

	Definitely True	Probably True	Unsure	Probably False	Definitely False	
1. N=47 m=4.723 sd=.498 The vice-principal followed the correct procedure in suspending George from school.	[ ]	[ ]	[ ]	[ ]	■	
	0	0	1	11	35	
	0	0	2.1	23.4	74.5	%
2. N=47 m=1.106 sd=.312 When students are facing suspension, they have the right to know why they are being considered for suspension.	■	[ ]	[ ]	[ ]	[ ]	
	42	5	0	0	0	
	89.4	10.6	0	0	0	%
3. N=47 m=1.106 sd=.312 If a student faces suspension, the student has the right to tell their side of the story.	■	[ ]	[ ]	[ ]	[ ]	
	42	5	0	0	0	
	89.4	10.6	0	0	0	%
4. N=47 m=2.319 sd=1.287 Prior to a suspension, students have the right to have a lawyer represent them in a formal hearing.	[ ]	[ ]	[ ]	[ ]	■	
	17	11	9	7	3	
	36.2	23.4	19.1	14.9	6.4	%

See generally Goss v. Lopez, 419 U.S. 565 (1975); and Robert M. Mnookin, Child, Family and State: Problems and Materials on Children and the Law, Boston: Little Brown (1978).

IV.

Leslie was very disruptive during an assembly. As a result of her behavior, her teacher paddled her. Leslie was extremely upset, although not physically hurt.

	Definitely True	Probably True	Unsure	Probably False	Definitely False	
1. N=47 m=2.830 sd=1.340 Leslie's teacher had the right to paddle her.	[■]	[ ]	[ ]	[ ]	[ ]	
	8	17	2	15	5	
	17.0	36.2	4.3	31.9	10.6	%
2. N=47 m=2.574 sd=1.016 Leslie should have had the opportunity to protest the paddling.	[ ]	[ ]	[ ]	[ ]	[■]	
	4	24	9	8	2	
	8.5	51.1	19.1	17.0	4.3	%
3. N=47 m=2.085 sd=1.139 The teacher should have discussed this with the principal before paddling Leslie.	[■]	[ ]	[ ]	[ ]	[ ]	
	16	21	2	6	2	
	34.0	44.7	4.3	12.8	4.3	%

See generally Ingraham v. Wright, 430 U.S. 651 (1977).

Henry is 14 years old. It has been reported that he stole a car. Henry is already on probation for shoplifting. Assuming that Henry is caught by the police and brought to a juvenile court hearing, what rights does Henry have?

	Definitely True	Probably True	Unsure	Probably False	Definitely False
1. N=47 m=1.319 sd=.695 Henry has the right to have a lawyer represent him.	[■] 36 76.6	[ ] 9 19.1	[ ] 0 0	[ ] 2 4.3	[ ] 0 0 %
2. N=47 m=1.106 sd=.312 Henry and his parents have the right to be notified of the specific charges against Henry.	[■] 42 89.4	[ ] 5 10.6	[ ] 0 0	[ ] 0 0	[ ] 0 0 %
3. N=47 m=1.511 sd=.975 Henry has the right to remain silent and to refuse to answer any questions.	[■] 34 72.3	[ ] 6 12.8	[ ] 4 8.5	[ ] 2 4.3	[ ] 1 2.1 %
4. N=47 m=4.00 sd=.885 The witnesses against Henry cannot be cross-examined by Henry's lawyer.	[ ] 1 2.1	[ ] 0 0	[ ] 12 25.5	[ ] 19 40.4	[■] 15 31.9 %
5. N=47 m=1.702 sd=1.061 The prosecution must prove beyond a reasonable doubt that Henry stole the car.	[■] 27 57.4	[ ] 13 27.7	[ ] 3 6.4	[ ] 2 4.3	[ ] 2 4.3 %
6. N=47 m=2.596 sd=1.280 Henry has a constitutional right to a jury trial in a juvenile court hearing.	[ ] 12 25.5	[ ] 10 21.3	[ ] 15 31.9	[ ] 5 10.6	[■] 5 10.6 %

See generally In re Gault, 387 U.S. 1 (1967); McKeiver v. Pennsylvania, 403 U.S. 528 (1971); and In re Winship, 397 U.S. 358 (1970).

Heather is in the fourth grade. Her teacher feels that she is not working to her potential; she is reading at a second grade level and is having difficulty in math. Her teacher would like to make certain that Heather gets extra help. The teacher refers Heather for an evaluation by a school psychologist hoping that Heather will eventually receive services from the special education department.

	Definitely True	Probably True	Unsure	Probably False	Definitely False
1. N=47 m=1.638 sd=.792 At the time of referral and prior to the evaluation, Heather's parents must receive written notice of the referral.	■	[ ]	[ ]	[ ]	[ ]
	24	18	3	2	0
	51.1	38.3	6.4	4.3	0 %
2. N=47 m=2.489 sd=.930 If Heather's parents do not specifically deny permission in writing within 30 days, then the school may go ahead with the evaluation.	[ ]	[ ]	[ ]	[ ]	■
	5	21	16	3	2
	10.6	44.7	34.0	6.4	4.3%
3. N=47 m=3.745 sd=.988 After the evaluation is completed, Heather could be immediately placed in a special education classroom without her parents' permission.	[ ]	[ ]	[ ]	[ ]	■
	1	6	6	25	9
	2.1	12.8	12.8	53.2	19.1%
4. N=47 m=3.191 sd=1.262 Heather has the right to review her file.	[ ]	[ ]	[ ]	[ ]	■
	6	8	11	15	7
	12.8	17.0	23.4	31.9	14.9%
5. N=47 m=1.851 sd=.834 Heather's parents have the right to visit the school and expect to see their daughter's file within 24 hours.	[ ]	[ ]	[ ]	[ ]	■
	18	20	7	2	0
	38.3	42.6	14.9	4.3	0 %

See generally P.L. 94-142, the Education of All Handicapped Children Act (20 U.S.C. Sec. 1401, 1402, 1411-1420, 1975); and H. Turnbull and A. Turnbull, Free Appropriate Public Education: Law and Implementation, Denver: Love Publishing Co. (1978).

VII.

John, age 10, lives in a recognized Amish community with his parents who strongly believe in and abide by their religious traditions. John feels somewhat uncomfortable wearing the Amish style of clothing, and his parents instruct that he should not salute the flag. Thus, John thinks that he would like to change his religion.

	Definitely True	Probably True	Unsure	Probably False	Definitely False	
1. N=47 m=2.447 sd=1.230 John has the legal right to convert to another religion, if he chooses.	[ ]	[ ]	[ ]	[ ]	■	
	14	11	11	9	2	
	29.8	23.4	23.4	19.1	4.3	%
2. N=47 m=2.468 sd=1.018 John's parents have the right to determine John's religion, at least until he becomes mature.	■	[ ]	[ ]	[ ]	[ ]	
	7	20	13	5	2	
	14.9	42.6	27.7	10.6	4.3	%
3. N=47 m=4.277 sd=.826 As a citizen, John must salute the flag regardless of his parents' belief.	[ ]	[ ]	[ ]	[ ]	■	
	0	1	8	15	23	
	0	2.1	17.0	31.9	48.9	%

See generally Wisconsin v. Yoder, 406 U.S. 205 (1972); and West Virginia v. Barnette, 319 U.S. 624 (1943).

VIII.

Mr. Jones, a ninth grade biology teacher, suspects that one of his students is stealing biology equipment. One afternoon he confronts the student and asks her to open her locker. She hesitates, and as a result, Mr. Jones tells her that he will get the janitor to open the locker if she refuses. The student reluctantly allows Mr. Jones to search her locker.

	Definitely True	Probably True	Unsure	Probably False	Definitely False	
1. N=47 m=3.426 sd=1.347 Mr. Jones, as a teacher, has the right to require the student to open her locker.	[ ]	[ ]	[ ]	[ ]	■	
	7	6	3	22	9	
	14.9	12.8	6.4	46.8	19.1	%
2. N=47 m=1.851 sd=.884 Mr. Jones should inform the administrator to have the locker searched.	■	[ ]	[ ]	[ ]	[ ]	
	17	24	3	2	1	
	36.2	51.1	6.4	4.3	2.1	%
3. N=47 m=3.340 sd=1.387 Under all circumstances, the student can refuse to open her locker.	[ ]	[ ]	[ ]	[ ]	■	
	5	11	7	11	13	
	10.6	23.4	14.9	23.4	27.7	%

See generally M. Davis, Rights of Juveniles: The Juvenile Justice System (2nd ed.), NY: Clark Boardman (1981); and Sanford J. Fox, The Law of Juvenile Courts in a Nutshell (2nd ed.), St. Paul, Minn.: West Publishing (1977).

IX.

Joan is in the eighth grade. Her parents are in the process of filing for divorce. Both parents want custody of Joan. It appears likely that the court will have a formal hearing to decide the custody arrangement.

	Definitely True	Probably True	Unsure	Probably False	Definitely False	
1. N=47 m=2.660 sd=.984	■	[ ]	[ ]	[ ]	[ ]	
At the hearing, Joan may have her own attorney.	5	17	15	9	1	
	10.6	36.2	31.9	19.1	2.1	%
2. N=47 m=3.894 sd=1.108	[ ]	[ ]	[ ]	[ ]	■	
Since Joan is still a minor, she does not have the right to state her preference for living with her mother or father.	1	7	4	19	16	
	2.1	14.9	8.5	40.4	34.0	%

See generally Judith Areen, Cases and Materials on Family Law, Mineola, NY: Foundation Press (1978).

X.

Michael is a behavior problem. Although he is only 11, he is extremely strong. Today he seems to be very upset and in a sudden outburst he hits his teacher in the face, causing a black eye. Then realizing what he has done, he runs out of the building, and still out of control, begins to kick the garbage cans over and throw rocks at the building. He eventually breaks a window.

	Definitely True	Probably True	Unsure	Probably False	Definitely False	
1. N=47 m=4.298 sd=.657 Since Michael is only 11, he cannot be prosecuted for vandalism in juvenile court.	[ ]	[ ]	[ ]	[ ]	■	
	0	1	2	26	18	
	0	2.1	4.3	55.3	38.3	%
2. N=47 m=1.936 sd=.818 Michael's parents could be sued and forced to pay the teacher's medical bills and for replacing the broken window.	■	[ ]	[ ]	[ ]	[ ]	
	13	27	5	1	1	
	27.7	57.4	10.6	2.1	2.1	%

See generally Judith Areen, Cases and Materials on Family Law, Mineola, NY: Foundation Press (1978); and Robert M. Mnookin, Child, Family and State: Problems and Materials on Children and the Law, Boston: Little Brown (1978).

XI.

John is 11 and assigned to the fifth grade, but he aqtends school very seldom. John's parents have repeatedly told school officials that they do not care if he goes to school or not and will not help school officials get John to attend.

	Definitely True	Probably True	Unsure	Probably False	Definitely False	
1. N=47 m=1.128 sd=.494 The law requires John to attend school.	■	[ ]	[ ]	[ ]	[ ]	
	43	3	0	1	0	
	91.5	6.4	0	2.1	0	%
2. N=47 m=1.319 sd=.594 The law requires John's parents to see that John attends school regularly.	■	[ ]	[ ]	[ ]	[ ]	
	34	12	0	1	0	
	72.3	25.5	0	2.1	0	%
3. N=47 m=2.532 sd=1.333 John's parents could keep John out of school legally if they provide John with an approved home education.	■	[ ]	[ ]	[ ]	[ ]	
	14	11	9	9	4	
	29.8	23.4	19.1	19.1	8.5	%

See generally Meyer v. Nebraska, 262 U.S. 390 (1923); Pierce v. Society of Sisters, 268 U.S. 510 (1925); and Wisconsin v. Yoder, 406 U.S. 205 (1972).

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